

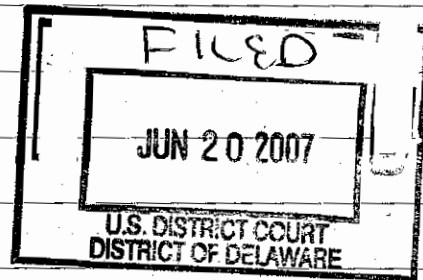
IN THE United States District Court
For The District of Delaware

Bruce L. Waples
Petitioner

v.

Civil Action No 07-260-GMS

THOMAS CARROLL
Warden, AND ATTORNEY
General of the State
of Delaware, Respondents



Habeas Corpus Amended 28 USC § 2254

1. It is a fundamental cornerstone of due process that the Constitution "cannot tolerate Criminal Conviction obtained by the knowing use of false evidence" Miller v. Pate, 386 U.S. 1, 7, 87 S.Ct. 785 17 L. Ed. 2d 690 (1967). The prosecution offends due process when false evidence is used, whether it solicits the evidence or simply allows it "to go uncorrected when it appears." Napue v. Illinois, 360 U.S. 264, 269 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959) (citations omitted). Due process is equally offended by direct statements which are untrue and the eliciting of "1163 testimony which "taken as a whole" gives the jury a "false impression". Alcorta v. Texas, 355 U.S. 28 31, 78 S.Ct. 103 2 L. Ed. 2d 9 (1957). When false evidence is used, even unwittingly, a new trial is required "if there is a reasonable probability that

[Without the evidence] the result of the proceeding would have been different. United State v. Young.
17 F3d 1201, 1204 (9th cir 1994)

Petitioner contends that he was denied due process of law when the prosecution knowingly elicited false and perjurious testimony from Correctional officer Michael Megee, did not correct the false and perjurious testimony and referenced the testimony in ~~the~~ argument.

Prosecutor Martin Cosgrove and Correctional officer Michael Megee state to the jury That I punch Correctional officer Michael Megee so hard that i knocked his tooth out

(NO Evidence NO Dental Records NO TOOTH)

Correctional officer Michael Megee Patient ledger show that he had \$2084.00 worth of Dental work done prior to the incident.

For more information contact:

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Date 6-15-07

Respectfully Submitted
 Bruce Waples

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